

CLERK'S OFFICE U.S. DIST. COURT  
AT HARRISONBURG, VA  
FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION

November 19, 2024  
LAURA A. AUSTIN, CLERK  
BY: s/J. Vasquez  
DEPUTY CLERK

SAMUEL JOSEPH ORLANDO, )  
 )  
Plaintiff, ) Case No. 5:22-cv-062  
 )  
v. ) By: Michael F. Urbanski  
 ) Senior United States District Judge  
SHERIFF DONALD L. SMITH, et al., )  
 )  
Defendants. )

**ORDER**

For the reasons stated in the accompanying memorandum opinion, the motion to dismiss filed by defendants Sheriff Donald L. Smith and Major Brian Jenkins, ECF No. 99, is **GRANTED in part** and **DENIED in part**. Counts I, II, VII, VIII, X, XI, XII, XIII, and XIV are **DISMISSED**.

All claims against Rebecca Neal and Bristol Neal in this case are **DISMISSED**, and Rebecca Neal and Bristol Neal are **DISMISSED** as defendants in this case.<sup>1</sup>

The motion to dismiss Count III as to Sheriff Donald L. Smith and Major Brian Jenkins is **DENIED**.

The Clerk is **DIRECTED** to confer with counsel regarding a trial date and issue a scheduling order—solely limited to Count III against Sheriff Donald L. Smith and Major Brian Jenkins.

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<sup>1</sup> Counts IV, V, VI, and IX against Rebecca Neal and Bristol Neal were severed from this case and are proceeding in a separate lawsuit. Order, ECF No. 40.

It is **SO ORDERED**.

Entered: November 18, 2024

A handwritten signature in blue ink, appearing to read 'M. Urbanski', with a long horizontal flourish extending to the right.

Michael F. Urbanski  
Senior United States District Judge